

SHOE SALK PROJECT PARCH

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

WRITTEN OPINION
(PCT Rule 66)

To:

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REPLY DUE

within 2 month(s)
from the above date of mailingInternational application No.
PCT/GB03/00352International filing date (day/month/year)
29.01.2003Priority date (day/month/year)
13.01.2002International Patent Classification (IPC) or both national classification and IPC
A61L9/01Applicant
RECKITT BENCKISER (UK) LIMITED et al.

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1. This written opinion is the **second** drawn up by this International Preliminary Examining Authority. KH
2. This opinion contains indications relating to the following items:
- I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability KH 7/11 KH
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.
- When?** See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).
- How?** By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.
- Also:** For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.
- If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 30.05.2004

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preliminary examining authority:European Patent Office
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I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-12 as originally filed

Claims, Numbers

1-22 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
 - ☐ the language of publication of the international application (under Rule 48.3(b)).
 - ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:
- ☐ contained in the international application in written form.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority in written form.
 - ☐ furnished subsequently to this Authority in computer readable form.
 - ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 - ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.
4. The amendments have resulted in the cancellation of:
- ☐ the description, pages:
 - ☐ the claims, Nos.:
 - ☐ the drawings, sheets:
5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this opinion.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been and will not be examined in respect of:

- ☐ the entire international application,
☒ claims Nos. 22

because:

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):
- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☒ no international search report has been established for the said claims Nos. 22
2. A written opinion cannot be drawn due to the failure of the nucleotide and/or amino acid sequence listing to comply with the Standard provided for in Annex C of the Administrative Instructions:
- ☐ the written form has not been furnished or does not comply with the Standard.
- ☐ the computer readable form has not been furnished or does not comply with the Standard.

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1,2,5-7,10,13,18-21: NO 3,4,8,9,11,12,14-17: YES
Inventive step (IS)	Claims	1-21: NO
Industrial applicability (IA)	Claims	1-21 : YES

2. Citations and explanations

see separate sheet

The examination is being carried out on the **following application documents**:

Text for the Contracting States:

AL AT BE BG CH CY CZ DE DK EE ES FI FR GB GR HU IE IT LI LT LU LV MC MK NL
PL PT RO SE SI SK TR

Description, pages:

1-12 as originally filed

Claims, No.:

1-22 as originally filed

The following documents (D) are considered to be of relevance for the application; the numbering will be adhered to in the rest of the procedure:

- D1:** Derwent WPI; AN: 1986-295021(JP(A) 61216715)
- D2:** Derwent WPI; AN: 1993-308422(JP(A) 5220327)
- D3:** Derwent WPI; AN: 1985-299486(JP(A) 60206425)
- D4:** Derwent WPI; AN: 1996-008643(KR(B) 9402336)
- D5:** EP-A-1157672
- D6:** Derwent WPI; AN: 1990-213833(JP(A) 2144121)
- D7:** EP-A-0832686

(Not necessarily all documents are referred to in this communication, but may become of higher importance during the procedure.)

The following abbreviations in parentheses apply to this document: page (p), column (co), line (l), example (ex), claim (cl).

1. Article 33 PCT

1.1 Article 33(2) PCT (Novelty)

The subject-matter of **claims 1,2,5-7,10,13,18-21** would appear to be entirely anticipated by any one of **D1** or **D2** or **D3**. These claims do therefore not fulfill the requirements of **Article 33(2) PCT**.

1.2 Article 33(3) PCT (Inventive Step)

A combination of the teachings of **D1** with those of **D4** renders claims **8,9,11,12,14, and 15** directly **obvious**. With both documents originating from the same field of water vapour absorption, a clear incentive to the skilled person is given to combine these documents. The malodour combatting capability of the drying components is considered an intrinsic characteristic of the compositions.

A combination of the teachings of **D1** with **D5** renders claims **3,4,16, and 17** **obvious**. With both documents originating from the same field of liquid and odour absorption, a clear incentive to the skilled person is given to combine these documents.

1.3 Article 33(4) PCT (Industrial Applicability)

Claims 1-21 fulfill the requirements of **Article 33(4) PCT**.

2. Conclusion

Due to the objections made above the applicant should expect a negative international preliminary examination report.